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Attorneys for WELLS FARGO BANK, N.A.
(successor by merger to Defendant WACHOVIA
BANK, N.A.) and Defendant METROPOLITAN
WEST SECURITIES LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

STATE COMPENSATION INSURANCE
FUND,

Plaintiff,

vs.

METROPOLITAN WEST SECURITIES
LLC; WACHOVIA BANK, N.A.; DOES
1 through 10, inclusive; and DOES 11
through 20, inclusive,

Defendants.

CASE NO. CV 09-02959 JSW (EDL)

**STIPULATION AND [PROPOSED] ORDER
CONTINUING CERTAIN CASE
DEADLINES**

[Declaration of Karen J. Ephraim filed
concurrently herewith]

CASE NO. CV 09-2959 JSW (EDL)

STIPULATION AND [PROPOSED] ORDER CONTINUING CERTAIN CASE DEADLINES

1 Plaintiff State Compensation Insurance Fund (“State Fund”) and Wells Fargo Bank, N.A.
 2 (successor by merger to Defendant Wachovia Bank, N.A.) and Defendant Metropolitan West
 3 Securities LLC (collectively, “Defendants”) stipulate as follows:

4 WHEREAS the Court entered an order on August 22, 2011 (Dkt. No. 106) granting the
 5 parties’ stipulation to continue case deadlines to the following dates:

6 Fact discovery cutoff: December 2, 2011

7 Disclosure of experts and reports: December 16, 2011

8 Disclosure of rebuttal experts and reports: January 13, 2012

9 Expert discovery cutoff: February 3, 2012

10 Completion of mediation: February 28, 2012

11 Dispositive motion hearing date: March 16, 2012

12 Final pretrial conference: May 21, 2012

13 Trial: June 11, 2012

14 WHEREAS the Court entered a further order on November 14, 2011 (Dkt No. 130)
 15 granting the parties’ stipulation to permit fact depositions to be completed by December 9, 2011;

16 WHEREAS the Court entered a further order on November 28, 2011 (Dkt. No. 142)
 17 granting the parties’ stipulation to permit them to supplement their expert reports in light of a
 18 deposition that has not yet been taken because it is the subject of pending motion practice;

19 WHEREAS when the parties previously stipulated to move the deadline for disclosure of
 20 their experts and expert reports to December 16, 2011, they did not believe that any fact
 21 depositions would occur during the week of December 5, 2011, and accordingly believed that
 22 they would have more time during the week of December 5 to focus on their expert reports;

23 WHEREAS the parties have since scheduled Rule 30(b)(6) depositions of each other for
 24 December 9, 2011, and accordingly they have had less time than previously anticipated during the
 25 week of December 5, 2011 to devote to their expert reports, and their experts will have less time
 26 than previously anticipated to incorporate any testimonial evidence from those depositions into
 27 their reports;

WHEREAS counsel for both parties have travel plans around the holidays in late December 2011 and the New Year, and anticipate that their experts and/or support staff do as well, which will interfere with the ability to prepare rebuttal expert reports;

WHEREAS the parties believe that there is room in the current case schedule to extend certain of the deadlines in order to lessen the burden on the parties, their counsel, and their experts without affecting the trial date;

WHEREAS the parties believe that, in light of the foregoing, it makes sense to continue the deadlines for (1) disclosure of experts and reports; (2) disclosure of rebuttal experts and reports; (3) expert discovery cutoff; (4) completion of mediation; (5) dispositive motion hearing date;

NOW THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES HERETO AND THEIR COUNSEL OF RECORD THAT the following case deadlines be continued as follows:

Disclosure of experts and reports: December 22, 2011 (12:00 p.m.)

Disclosure of rebuttal experts and reports: January 26, 2012

Expert discovery cutoff: February 20, 2012

Completion of mediation: March 13, 2012

Dispositive motion hearing date: March 30, 2012 (9:00 a.m.)

All subsequent pretrial and trial dates are to remain the same.

Date: December 8, 2011

MUNGER, TOLLES & OLSON LLP

By: /s/ James C. Rutten

James C. Rutten

Attorneys for Defendants WELLS FARGO BANK, N.A. (successor by merger to WACHOVIA BANK, N.A.) and METROPOLITAN WEST SECURITIES LLC

Date: December 8, 2011

BARGER & WOLEN LLP

By: /s/ J. Russell Stedman
J. Russell Stedman

Attorneys for Plaintiff STATE
COMPENSATION INSURANCE FUND

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PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: December 9, 2011


The Honorable Jeffrey S. White
United States District Court Judge